

January 28, 2004

Senator Theodore L. Gatsas, Chair
Interstate Cooperation Committee
Legislative Office Building, Room 101
Concord, New Hampshire 03301

Subject: **SB 373 Relative to the disposal of mercury-added products**

Dear Chairman Gastas and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 373, which seeks to enact a disposal ban on mercury-added products in the State of New Hampshire.

The disposal ban on mercury-added products, proposed under SB 373, is consistent with the objective of virtual elimination of man-made mercury releases in New Hampshire's *Mercury Reduction Strategy* and the *Regional Mercury Action Plan (RMAP)* endorsed by the New England states and the Eastern Canadian provinces. Mercury is a highly persistent and toxic pollutant that accumulates in the food chain. Like 40 other states, New Hampshire has issued a freshwater fish consumption advisory due to elevated levels of mercury in fish and the resulting threat to public health.

We are concerned, however, that a disposal ban by itself will fail to achieve the desired goal unless accompanied by efforts to inform consumers about mercury-added products. Labeling of mercury-added products is the most direct means of educating consumers about these products and the need for their proper management at the end of their useful life. We encourage the committee to amend SB 373 to require labeling of mercury-added products consistent with the requirements in place in several other New England states.

Although other New England states, including Maine, Rhode Island, Vermont, and Connecticut, have enacted labeling requirements, only the fluorescent lamp manufacturers have announced a national program for labeling all of their products. Some manufacturers are expected to label only those products sold in states that require labeling. Thus, New Hampshire may begin to see some labeled products, but we expect that many mercury-added products will continue to be sold in the state without a label. The lack of labeling will make it difficult for the average citizen to determine which products actually have mercury and should not be disposed of in solid waste. Despite the Department's active mercury reduction outreach and education program, many citizens are still unaware that certain products contain mercury and should be recycled. Without

Senator Theodore L. Gatsas, Chairman

SB 373

January 28, 2004

Page 2

significant additional resources to address this issue, the situation will be slow to improve.

We would be pleased to assist the Committee in any way that we can. Please call Stephanie D'Agostino (271-6398) if you have any questions or would like further information.

Sincerely,

Michael P. Nolin
Commissioner

cc: Members of the Senate Interstate Cooperation Committee
Representative Jay Phinizy